

## ARTICLE 1713

### Historic Bethlehem

- 1713.01 Purpose; Establishment
- 1713.02 Boundaries
- 1713.03 Certification; Recording
- 1713.04 Board Of Historical Architectural Review
- 1713.05 Powers And Duties Of Board
- 1713.06 Interest Of Board Member Precludes Action
- 1713.07 Finding Required For Facade Improvements
- 1713.08 Certificate Of Appropriateness Required
- 1713.09 Application For Building Permit
- 1713.10 Meeting To Consider Application
- 1713.11 Board To Consider Architectural Appropriateness
- 1713.12 Board May Suggest Plan Changes To Conform
- 1713.13 Report By Board To Council; Recommendations
- 1713.14 Council Approval Or Disapproval; Procedure
- 1713.15 Building Permit Denial; Appeal
- 1713.16 Building Inspector; Power To Enforce
- 1713.99 Penalty.

### CROSS REFERENCES

Historic areas, sites and buildings - See 53 P.S. §8001 et seq.

#### 1713.01 PURPOSE; ESTABLISHMENT.

In accordance with the provisions of Act 167, approved June 13, 1961, of the General Assembly, and to protect the portions of the City which recall the rich architectural and cultural heritage of our City and State, to awaken in our people an interest in our historic past and to promote the general welfare, education and culture of our City, there is created in the City a district to be known as "Historic Bethlehem" located in Wards Six and Seven in the County of Northampton and Wards Ten and Eleven in the County of Lehigh, within the City. (Ord. 1728 §1. Passed 12/27/61.)

## 1713.02 BOUNDARIES.

The limits of Historic Bethlehem are defined as follows:

Beginning at a point in the center line of the Lehigh River in the division line between the County of Lehigh and the County of Northampton at the intersection thereof and the westerly line of the Hill-to-Hill Bridge, to a point in the northerly street line of Spring Street, a street fifty feet in width; thence westwardly, along said northerly street line of Spring Street, to a point in West Street at the intersection of said northerly street line of Spring Street and the extension southwardly of the easterly street line of Mitman Street, a street twenty feet in width; thence northwardly in West Street, along said extension southwardly of said easterly street line of Mitman Street and along said easterly street line of Mitman Street and its extension northwardly to the southerly street line of West Broad Street; thence eastwardly, along said southerly street line of West Broad Street and along the southerly line of the Broad Street Bridge and again along the southerly line of West Broad Street, to the westerly street line of Guetter Street, a street twenty feet in width; thence southwardly, along said westerly street line of Guetter Street, to the southerly street line of West Walnut Street; thence eastwardly, along said southerly street line of West Walnut Street, to a point 150 feet, more or less, measured westwardly from and perpendicular to the westerly street line of North New Street; thence southwardly, parallel to and 150 feet, more or less, measured westwardly from said westerly street line of North New Street, twenty-four feet, more or less, to the northerly line of a tract of land now or formerly of the Bell Telephone Company of Pennsylvania; thence eastwardly, along the northerly line of said last-mentioned tract of land and its extension eastwardly, to the easterly street line of said North New Street; thence northwardly, along said easterly street line of North New Street, twenty-four feet, more or less, to the southerly line of East Walnut Street, a street twenty feet in width; thence eastwardly, along said southerly street line of East Walnut Street, to the westerly street line of Linden Street, a street seventy feet in width; thence southwardly, along said westerly street line of Linden Street and its extension southwardly, to said center line of the Lehigh River; thence westwardly, along said center line of the Lehigh River, to the point or place of beginning. (Ord. 1728 §2. Passed 12/27/61.)

### 1713.03 CERTIFICATION; RECORDING.

The Pennsylvania Historical and Museum Commission has certified by resolution to the historical significance of the district within the limits defined in Section 1713.02, and the Mayor of the City has received such certification and placed it among the municipal records of the City. (Ord. 1728 §3. Passed 12/27/61.)

### 1713.04 BOARD OF HISTORICAL ARCHITECTURAL REVIEW.

A Board of Historical Architectural Review is hereby established to be composed of nine residents of the City appointed by Council, one of whom shall be a registered architect, one a licensed real estate broker, one the Building Inspector of the City of Bethlehem and six additional persons with a knowledge of and interest in the preservation of the historic district. At least three members of the Board shall reside within the historic district. The initial terms of the first nine members of the Board shall be as follows: three shall serve until the first Monday of January, 1963; three until the first Monday of January, 1964; and three until the first Monday of January, 1965. Their successors shall serve for a term of five years. Any member of the Board appointed in his capacity as a registered architect, a licensed real estate broker or as the Building Inspector of the City of Bethlehem who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term. (Ord. 2532 §1. Passed 10/5/76.)

### 1713.05 POWERS AND DUTIES OF BOARD.

The Board shall give counsel to Council regarding the advisability of issuing any certificates required to be issued pursuant to the Act of June 13, 1961, and this article. For this purpose the Board may make and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the City and the laws of the Commonwealth. A majority of the Board shall constitute a quorum, and action taken at any meeting shall require the affirmative vote of a majority of the Board. The members of the Board shall serve without compensation, and shall make an annual report of their transactions to Council. The Board may, pursuant to appropriations by Council, employ secretarial assistance, pay their salaries and wages and incur other necessary expenses. (Ord. 1728 §5. Passed 12/27/61.)

### 1713.06 INTEREST OF BOARD MEMBER PRECLUDES ACTION.

No member of the Board shall be permitted to take part in the discussion or vote on the issuance of any certificate of appropriateness for any property in which such member of the Board has any interest, direct or indirect. (Ord. 2532 §2. Passed 10/5/76.)

### 1713.07 FINDING REQUIRED FOR FACADE IMPROVEMENTS.

The Board shall have the responsibility for reviewing proposals for facade improvements of all building facades within the Historic District. In connection with buildings fronting on Main Street between Broad Street and Church Street, a written determination shall be made as to conformity of such proposals with the concepts embodied in the Bethlehem Main Street Restoration and Revitalization Study. Prior to consideration of an application for modification to an existing facade, the Board shall make a finding as to the extent to which restoration is feasible for the individual facade. This finding shall set forth the following:

- (a) The building's architectural merit, whether representative of a common style or standing as a unique expression of design.
- (b) The proportion of extant, original fabric which can be stabilized and preserved.
- (c) The structure's overall importance to the streetscape.
- (d) Significant historical associations of the building.
- (e) The economic feasibility of restoration. (Ord. 2532 §3. Passed 10/5/76.)

### 1713.08 CERTIFICATE OF APPROPRIATENESS REQUIRED.

No erection, reconstruction, alteration, restoration, demolition or razing of a building or public improvement in the historic district shall be permitted until Council has issued a certificate of appropriateness. Such certificate shall not be limited to work requiring a building permit according to the presently enacted Building Codes of the City, but shall include all work affecting general design, arrangement, texture, material and color

which can be seen from a public street or way, including installations or other public improvements. This includes, but is not limited to the following: painting; sandblasting; stucco or other applied textures; replacement or major repair of windows, cornices, trim and other nonstructural elements; and other work affecting the visual appearance of the structure as defined in this section. (Ord. 2532 §4. Passed 10/5/76.)

#### 1713.09 APPLICATION FOR BUILDING PERMIT.

Upon receipt of an application for a building permit for work to be done in the historic district, the Building Inspector shall act in accordance with the procedures presently being followed in that office, except as those procedures are necessarily modified by the following requirements:

- (a) He shall forward to the office of the Board of Historical Architectural Review a copy of the application for a building permit, together with a copy of the plot plan and the building plans and specifications filed by the applicant.
- (b) He shall maintain in his office a record of all such applications and of his handling and final disposition of them, which shall be in addition to and appropriately cross referenced to his other records.
- (c) He shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit to permit compliance with the foregoing. (Ord. 1728 §7. Passed 12/27/61; Ord. 2532 §5. Passed 10/5/76.)

#### 1713.10 MEETING TO CONSIDER APPLICATION.

Upon receipt by the Board of a notice that an application for a building permit for the erection, reconstruction, alteration, restoration, demolition or razing of a building or buildings in the historic district has been filed in the office of the Building Inspector, the Board shall schedule a meeting to consider the counsel which the Board will give to Council. The person applying for the permit shall be advised of the time and place of the meeting and invited to appear to explain his reasons therefor. The Board may invite such other persons as it desires to attend its meeting. Ord. 1728 §8. Passed 12/27/61; Ord. 2532 §5. Passed 10/5/76.)

### 1713.11 BOARD TO CONSIDER ARCHITECTURAL APPROPRIATENESS.

In determining the counsel to be present to Council concerning the issuing of a certificate of appropriateness of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the historic district, the Board shall consider the following matters:

- (a) The effect of the proposed change upon the general historic and architectural nature of the district.
- (b) The appropriateness of exterior architectural features which can be seen from a public street or way only.
- (c) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district.

(Ord. 1728 §9. Passed 12/27/61; Ord. 2532 §5. Passed 10/5/76.)

### 1713.12 BOARD MAY SUGGEST PLAN CHANGES TO CONFORM.

If the Board, on the basis of the information received at the meeting and from its general background and knowledge, decides to counsel against the granting of a certificate of appropriateness, it shall indicate to the applicant for a building permit the changes in plans and specifications, if any, which, in the opinion of the Board, would protect the distinctive historical character of the historic district. The Board shall withhold its report to Council for a period of five days following its decision to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that he will make the suggested changes, he shall so advise the Board which shall counsel Council accordingly. (Ord. 1728 §10. Passed 12/27/61; Ord. 2532 §5. Passed 10/5/76.)

### 1713.13 REPORT BY BOARD TO COUNCIL; RECOMMENDATIONS.

The Board, after the hearing provided for in Section 1713.10, and after the making of any changes in the plans and specifications as provided

in Section 1713.12, shall submit to Council, in writing, its counsel concerning the issuance of a certificate of appropriateness of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the historic district. The written report shall set out the following matters:

- (a) The exact location of the area in which the work is to be done.
- (b) The exterior changes to be made or the exterior character of the structure to be erected.
- (c) A list of the surrounding structures with their general exterior characteristics.
- (d) The effect of the proposed change upon the general historic and architectural nature of the district.
- (e) The appropriateness of exterior architectural features which can be seen from a public street or way only.
- (f) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district.
- (g) The opinion of the Board (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the district.
- (h) The specific counsel of the Board as to the issuance by Council or its refusal to issue a certificate of appropriateness.  
(Ord. 1728 §11. Passed 12/27/61; Ord. 2532 §6. Passed 10/5/76.)

#### 1713.14 COUNCIL APPROVAL OR DISAPPROVAL; PROCEDURE.

Upon receipt of the written counsel of the Board as provided in Section 1713.13, Council shall consider at a regular or special meeting the question of issuing to the Building Inspector a certificate of appropriateness authorizing a permit for the work covered by the application. The applicant shall be advised by the City Clerk of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard as to his reasons for filing the same.

In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the historic district, Council shall consider the same factors as the Board of Historical Architectural Review set forth in Section 1713.11 and the report of the Board. If Council approves the application, it shall issue a certificate of appropriateness authorizing the Building Inspector to issue a permit for the work covered. If Council disapproves, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district. (Ord. 1728 §12. Passed 12/27/61; Ord. 2532 §7. Passed 10/5/76.)

#### 1713.15 BUILDING PERMIT DENIAL; APPEAL.

Upon receipt of the written disapproval of Council, the Building Inspector shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal from the disapproval as provided by law and the ordinances of the City. (Ord. 1728 §13. Passed 12/27/61; Ord. 2532 §8. Passed 10/5/76.)

#### 1713.16 BUILDING INSPECTOR; POWER TO ENFORCE.

The Building Inspector shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article in the same manner as in his enforcement of the Building Code as presently enacted and as the same may from time to time be amended. (Ord. 1728 §14. Passed 12/27/61; Ord. 2532 §8. Passed 10/5/76.)

#### 1713.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

- (a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;
- (b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;



(c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both. (Ord. 3038. Passed 10/22/85; Ord. 3242- Passed 2/7/89)